

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

SYLVESTER MCCLAIN, on his own behalf §
and on behalf of a class of similarly situated §
persons, ET AL., §

Plaintiffs, §

v. §

LUFKIN INDUSTRIES INC., §

Defendant. §
§

CIVIL ACTION No. 9-97CV63

JUDGE RON CLARK

ORDER TO DISTRIBUTE FUNDS

Before the court is Plaintiff's Motion Re: Further Proceedings [Doc. # 738] which requests that the court vacate the stay and implement the judgment for monetary relief.

On November 14, 2011, the U.S. Supreme Court denied Lufkin's Petition for Writ of certiorari. *Lufkin Indus., Inc. v. McClain*, No. 11-356, 2011 WL 4369192 (U.S. Nov. 14, 2011). Accordingly, the stay of proceedings pending appeal is hereby **VACATED**. It is **ORDERED** that:

1. The parties and the Settlement Administrator shall implement the Order re: Monetary Relief [Doc. #684] which was attached to the Final Judgment entered January 15, 2010 [Doc. #696] as Appendix 2, according to its terms, with the exceptions specified in paragraphs 2 and 3 of this Order.

2. For purposes of implementation of the Order re Monetary Relief and Final Judgment, those orders shall be deemed to have been re-entered as of November 21, 2011, and all

obligations and dates relating to the calculation and payment of monetary relief to plaintiffs and the class that are triggered by, or running from, the original date of entry of the Final Judgment, shall instead be triggered by and run from November 21, 2011.

3. Kurzman Carson Consultants, successor to Rosenthal & Associates, is appointed to carry out the duties and responsibilities of Settlement Administrator assigned to Rosenthal & Associates in the Order re Monetary Relief and Final Judgment, and to receive the compensation specified therein. In carrying out those duties and responsibilities, the Settlement Administrator shall distribute checks for monetary relief to plaintiffs and the class within 21 days after entry of the Court's further Order directing such distributions, and may use either UPS or Federal Express, at the Administrator's election, to deliver the checks.

So **ORDERED** and **SIGNED** this **18** day of **November, 2011**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge